



## 2023 COLORADO LEGISLATIVE PREVIEW

### **New members meet old issues in 2023 legislative session**

Statehouse observers may be confused by many of the names called during floor roll calls in the first few days of the 2023 session.

In the 65-member House 30 representatives are new to the Capitol. The 35-member Senate has only two brand-new members. But roll calls there will sound like last year's House - 10 new senators previously served in the other chamber.

Beyond the sheer numbers of new lawmakers, there are other “demographic” shifts that have remade the General Assembly. Democrats have gained seats, women are a majority of the 100 members, the ranks of progressive Democrats have grown, the GOP could be slightly less conservative than in the past and the Joint Budget Committee is the most inexperienced in recent memory.

While many faces will be unfamiliar, most of the issues facing the 2023 session will be very recognizable.

The state budget, education funding, housing costs, firearms regulation, air and water quality, criminal justice, water development and wildfire mitigation are already teed up for fresh debates.

### **The agendas**

Both majority Democrats and Democratic Gov. Jared Polis have laid out broad agendas. They overlap significantly but aren't identical.

Democratic legislative leaders have highlighted affordable housing, environmental protection and public safety as top issues for the Senate.

Polis shares the goal of expanding affordable housing, has a slightly different take on environmental protection and public safety, and is also emphasizing state fiscal responsibility and property tax relief.

And leaders of both parties have started talking about water as a central issue of the session.

### **The issues**

*Budget* – During the 2022 session lawmakers had billions of one-time federal pandemic relief funds to spend, some of which were used to stretch state dollars. (For example, the annual non-transportation state construction budget was paid for almost entirely with federal funds.) In 2023 the budget committee will have to figure out how to pay for a 5 percent state employee pay raise, provide improved compensation

for outside providers who supply healthcare, correctional, mental health and other services for the state and cover inflationary cost increases in state programs.

Doing all that will be tricky, and little or no revenue will be available for new initiatives unless lawmakers cut back on Polis' 2023-24 budget request.

*Education issues* – In January, a House-Senate interim committee that's been working off and on for several years is expected to unveil a proposed major revamp of the state's decades-old K-12 funding formula. What that will look like and how the bill will fare are unknown, but there's likely to be significant debate.

There will also be discussion regarding further trimming – or perhaps eliminating – the Budget Stabilization Factor; however, that debate will be unavoidably connected with other budgetary considerations.

Funding for special education students and efforts to improve math instruction –and test scores – are also expected to be on the legislative agenda. There will likely be calls for reform of the state's school rating and accountability system; however, a recent state audit which concluded the system is working as designed may take the steam out of such efforts.

Polis added some education-related proposals in his Jan. 3 proposed budget amendments, including money for workforce education, concurrent enrollment and improving math scores.

The governor is also urging additional funding that would expand the state's impending preschool program to four-year-olds.

*Environment* – Legislative Democrats are discussing measures to reduce ozone pollution and perhaps further oil and gas regulation; however, details need to be fleshed out. Polis has recently proposed a package of incentives for electric vehicles and other environmentally friendly technologies.

*Firearms regulation* – Democrats are weighing how to strengthen gun laws in the wake of the Club Q shootings in Colorado Springs. Strengthening, or encouraging wider use of the state's "red flag" law will be a top consideration. But a ban on the purchase of assault-style weapons, regulation of "ghost guns," waiting periods for firearms purchases and age requirements for buying long guns could be on the table.

*Housing* – The 2022 session devoted significant federal funding to housing programs. Voters in November approved earmarked state funding for housing, which lawmakers probably will want to review. Beyond that, expect to see proposals to strengthen renters' rights, including rent control and eviction restrictions. The expanded progressive wing of the House Democratic caucus is expected to be active on this issue. There also are indications that another aspect of the housing problem, a greater state role in land use and zoning, could be up for debate.

*Judicial reform* – A legislative study group has proposed a ballot measure that would create a fully independent process for disciplining judges. The full legislature will have to consider whether to submit this proposal to voters. Also expect proposals for criminal justice reform, particularly from Democratic progressives.

*Taxes* – Lawmakers will have to revisit the methods used to provide tax refunds under the Taxpayer's Bill of Rights. A tax-rate reduction approved by voters last November has made a current mechanism

obsolete. And in his latest budget proposal Polis urged setting aside \$200 million to provide property tax relief.

There are a couple pieces of old business lawmakers may need to address. The newly-created Department of Early Childhood will oversee the universal pre-school program that is set to launch next year; however, lawmakers may need to do some fine-tuning. The same may be true for the state's reorganized system for providing mental health services through the new Behavioral Health Administration.

Polis, starting his second term after a landslide victory in November, had a very successful legislature track record during his first term. Major successes included launching of full-day kindergarten and reform of behavioral health programs.

For 2023, Polis may have a new lever of influence with lawmakers - former Democratic Speaker Alec Garnett is the governor's new chief of staff.

The governor will detail his agenda in his state-of-the-state speech during the first week of the session, although several priorities were laid out in his budget proposals. That plan is organized around four goals – investing in the future, making neighborhoods safer and more affordable, protecting the environment and bolstering state reserves as insurance against future downturns.

One of those priorities is crime. The governor has proposed a significant increase in funding for the Colorado State Patrol, both for trooper salaries and a grant program that will help law enforcement fight auto theft, which has exploded in Colorado.

The governor is also proposing increased funding for school security and continued increases in funding for wildfire prevention, mitigation and suppression. That plan includes acquisition of a second high-tech helicopter to fight fires.

Polis has proposed increases in preschool and K-12 funding, further reductions in state professional and business fees, more funding for youth mental health, additional financial support for affordable housing and for programs to reduce homelessness. His budget plan also includes more funding for state water programs and agencies.

The governor also is urging lawmakers to maintain the state's 15 percent reserve and to set aside additional funds to cover some basic state costs in future fiscal years in addition to matching new competitive federal infrastructure grants.

Finally, expect some surprise issues. New members like to introduce “pet project” measures, many of which don't go anywhere but which do take up legislative time. A clearer picture of such legislation will not come into focus until the first waves of bills are introduced during the first week of the session. More than 600 bills are introduced during a typical session.

## **The people**

*New members* – There 32 brand-new members, 19 Democrats and 13 Republicans. (“New” means people without any prior legislative experience.)

Of the new members, 17 are female and 15 are male. Women dominate the Democratic newcomer class, but only three new Republican members are women.

Only two people without previous legislative experience were elected to the Senate, one from each party.

There are 10 incoming senators who moved over from the House. Nine of those were elected in November. GOP Rep. Perry Will lost his House race but was appointed to replace Sen. Bob Rankin in Senate District 5 after Rankin announced his retirement in December.

Democratic Sen. Tammy Story was moved out of her seat by redistricting but ran for and beat a GOP incumbent in House District 25. And the House gained another new member when Democrat Lorena Garcia was appointed this month to replace Adrienne Benavidez, who resigned, in House District 35.

*New leaders* – Of the six top leaders in both chambers, four are new in their roles. (Those six are the speaker of the House, the president of the Senate, the two majority leaders and the two minority leaders.

Most of the new leadership is in the House, including Democratic Speaker Julie McCluskie, Majority Leader Monica Duran and Minority Leader Mike Lynch. Senate President Steve Fenberg and Majority Leader Dominick Moreno are continuing in those roles, while Minority Leader Paul Lundeen is new to his post.

Beyond that, there is an assortment of assistant leaders, whips, caucus chairs and others, totaling nearly 30, including the six JBC members. Of all the leadership slots in both houses, approximately half are held by new people.

*Democrats rule* – The public media has made much of the Democratic sweep in the 2022 elections and Colorado's apparent evolution into a blue state. At the Capitol, Democrats now have a 46-19 margin in the House and control the Senate 23-12. (Democrats gained one seat in the Senate because veteran GOP Sen. Kevin Priola switched parties after the 2022 session ended.)

The new, larger Democratic majorities will further diminish the Republican role at the Capitol, although the vast majority of routine bills likely will have bipartisan support, as they do every session.

The 2022 elections continued a trend. Democrats have held the majority in the House continuously since the 2012 elections and have controlled the Senate since 2018.

*Women take the lead* – Women now hold 51 of the legislature's 100 seats.

The number of women elected to the General Assembly has risen steadily in recent years, leading to the new majority. The cohort is dominated by Democrats. House Democrats have 34 women and House Republicans have five women in office, while Senate Democrats have 10 women and Senate Republicans have only two women in office.

*Ideologues left and right* – Last November's elections brought several new progressive Democrats to the House, primarily from Denver districts. Elizabeth Epps from Denver is seen by some as the new leader of that group. Past progressive stalwarts Leslie Herod and Serena Gonzales-Gutierrez are expected to step back as they run for Denver mayor and city council, respectively. On the Republican side, hard-right firebrands Dave Williams and Ron Hanks are gone, but a smaller group of culture warriors may cause sporadic irritation for majority Democrats. The diminished GOP Senate caucus lacks any extreme hard-right members.

*New budget writers* – Five of six members are new to the Joint Budget Committee, where there's a steep and long learning curve for new members to master state finances.

Democratic Sen. Rachel Zenzinger, the new chair, has modest prior JBC experience; however, she was not initially expected to lead the committee. Democratic Sen. Chris Hansen was on tap to chair the committee but he did not seek another term on the committee so he could pursue his Denver mayoral campaign. The other prior committee veteran was Rankin, who resigned after the committee started its pre-session work. He was replaced by Sen. Barbara Kirkmeyer of Weld County, a former county commissioner and unsuccessful congressional candidate. The other new members are Democratic Reps. Shannon Bird (vice chair) and Emily Sirota, along with Republican Rep. Rod Bockenfeld. Democratic Sen. Jeff Bridges rounds out the roster of new members.

The conventional statehouse wisdom is that when committee members are inexperienced they're more likely to defer to the recommendations of the deeply knowledgeable JBC staff, some of who have had much longer tenures than any legislator.